

**REMARKS**

This paper is responsive to the Office Action dated February 10, 2006. In the Office Action, the Examiner rejected claims 1-18 under 35 U.S.C. § 102(b) as anticipated by Maggenti et al., U.S. Patent Publication No. 2002/0086665 A1 ("Maggenti"). The Examiner rejected claims 19-20 under 35 U.S.C. § 103(a) as being unpatentable over Maggenti in view of Yafuso et al, U.S. Patent No. 5,912,882 ("Yafuso"). The Examiner also objected to certain informalities in the title, specification, drawings and claims.

By this amendment claims 1, 3, 5, 9, 11-13 and 15-20 are amended. Claims 2 and 14 are cancelled. As discussed further below, the Examiner's rejection of claims 1, 3-13 and 15-20 are traversed below, in light of the amendment, on the basis that the claims include novel limitations not taught by Maggenti. The informalities raised by the Examiner are corrected by amendments to the title, specification and claims.

**The Objections To The Specification, Claims and Drawings Are Overcome**

The Examiner objected to certain informalities in the specification, drawings and claims. And, the Examiner rejected several claims under 35 U.S.C. § 112. By this amendment the informalities are corrected. In particular, the title is amended as suggested by the Examiner; the steps

“(650)” and “(660)” are removed from the specification; references to step 440 are added to the specification; and the claims are amended as suggested by the Examiner.

Claims 1, 3-13 and 15-20 Are Patentable

The Examiner rejected claims 1, 3-13 and 15-18 under 35 U.S.C. 102(b) as being anticipated by Maggenti. The Examiner rejected claims 19 and 20 under 35 U.S.C. § 103(a) as being obvious over Maggenti in view of Yafuso. The Applicants respectfully traverse the rejections by the Examiner on the basis that claims 1, 3-13 and 15-20 include novel limitations that are not disclosed in Maggenti or Yafuso, either separately or in combination. In particular, Maggenti does not disclose preemption of a current push-to-talk speaker in response to a request for the floor from a user with a higher priority

The present claims require, *inter alia*, preempting a current push-to-talk speaker in response to a push-to-talk request from a user/device with a higher priority. See, claims 1 and 13. Advantageously, preempting a current user for a higher priority user prevents a lower priority device from dominating the floor.

Maggenti does not disclose preemption of a current push-to-talk user for a higher priority user. In fact, to prevent domination of the floor by any one participant, Maggenti only grants the floor for a specific period of

time. When that time is up, the floor is released. See Maggenti paragraph [0095] ("PTT fail-safe timeout is the maximum number of seconds a net participant may transmit media to the net before the CM revokes control of the floor with a PTX denial message.").

The Examiner cites to Maggenti paragraphs [0053], and [0095]-[0096] to support the assertion that preemption of a user is disclosed in Maggenti. Those paragraphs merely disclose a method of controlling the floor consistent with placing a time limit on a speaker. The cited paragraphs do not disclose, teach or suggest that a current speaker is preempted by a higher priority user seeking the floor. In fact, Maggenti teaches against preemption. Yafuso does not provide the teachings missing from Maggenti. And, the combination of Maggenti and Yafuso fail to provide the missing teachings.

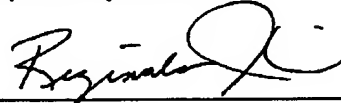
Therefore, claims 1, 3-13 and 15-18 are patentable for at least the reasons given above. Claims 19 and 20 are patentable for at least the same reasons and also because the missing "preemption" element prevents a *prima facie* case of obviousness.

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**CONCLUSION**

All pending claims are in condition for allowance. Allowance at an early date is solicited.

Respectfully submitted,



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